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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

13 DAVID MCDONALD, on behalf of  
14 himself and all others similarly  
situated,

15 Plaintiff,

16

17 CP OPCO, LLC, dba CLASSIC  
18 PARTY RENTALS; INSPERITY PEO  
19 SERVICES, L.P.; APOLLO GLOBAL  
MANAGEMENT, LLC; APOLLO  
CENTRE STREET PARTNERSHIP,  
L.P.; APOLLO FRANKLIN  
PARTNERSHIP, L.P.; APOLLO  
CREDIT OPPORTUNITY FUND III  
AIV I LP; APOLLO SK STRATEGIC  
INVESTMENTS, L.P.; APOLLO  
SPECIAL OPPORTUNITIES  
MANAGED ACCOUNT, L.P.;  
APOLLO ZEUS STRATEGIC  
INVESTMENTS, L.P.; and DOES 1-  
20

## Defendants.

Case No: 4:17-cv-04915-HSG  
Hon. Judge Haywood S. Gilliam, Jr.  
Hon. Judge Jacqueline Scott Corley,  
Magistrate *[for Settlement, Pursuant to*  
*Docket No. 74]*

**STATEMENT BY DEFENDANT  
INSPERITY PEO SERVICES, L.P.  
REGARDING MOTION FOR  
JUDGMENT ON THE PLAIDINGS**

Complaint Filed: 8-24-2017  
2<sup>ND</sup> Amd Ct: 11-27-17  
Trial Date: 6-24-2019

Defendant Insperity PEO Services, L.P. (hereinafter, "Insperity") hereby responds to the Court's February 7, 2019 "Order Setting Settlement Schedule" (ECF No. 121), at 2:2-6. Insperity stipulates that its Motion for Judgment on the Pleadings (ECF No. 078) should be deemed moot, without prejudice to renewal if final approval is not granted.

FISHER & PHILLIPS LLP

Dated: February 25, 2019

By: /s/ Christopher M. Ahearn  
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